

PATENT

ATTORNEY DOCKET NO. 06727/006001

Certificate of Facsimile: Date of faxing: March 13, 2003

I hereby certify under 37 CFR 1.8(a) that this correspondence on the date indicated above is being sent via facsimile to the United States Patent and Trademark Office, Attn: Examiner Stephen Gucker at Art Unit 1647, facsimile no. (703) 308-~~4426~~ 4242.

Susan M. Cannon

Printed name of person faxing correspondence

Susan M. Cannon

Signature of person faxing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert A. Murgita

Art Unit: 1647

Serial No.: 08/879,469

Examiner: Gucker, Stephen

Filed: June 20, 1997

Customer No.: 21559

Title: RECOMBINANT HUMAN ALPHA-FETOPROTEIN AS A CELL
PROLIFERATIVE AGENTCommissioner for Patents
Washington, D.C. 20231TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Martinex R&D, Inc., the assignee of the entire right, title, and interest in the above-referenced application seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), Martinex R&D, Inc., hereby waives and

disclaims the terminal portion of the term of the entire patent to be granted upon the

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above-identified application subsequent to the expiration date of U.S. Patent Nos. 5,965,528 and 6,288,034 B1. Martinex R&D, Inc., does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 5,965,528 and 6,288,034 B1 in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, or are otherwise terminated prior to expiration of their statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(3) and § 3.73(b), the undersigned attorney of record certifies that Martinex R&D, Inc., a corporation, is the assignee of the entire right, title, and interest in the above application by virtue of:

■ A chain of title from the inventor of the patent application identified above, which is a continuation of U.S. Serial No. 08/377,316, abandoned, to the current assignee, is shown below. A copy of the assignment or other documents in the chain of title are attached.

1. From Robert A. Murgita To McGill University, recorded in the Patent and Trademark Office at Reel 7686, Frame 0934 on June 29, 1995.
2. From McGill University To Martinex R&D, Inc., recorded in the Patent and Trademark Office at Reel 010519, Frame 0362 on January 11, 2000.

The undersigned attorney of record has reviewed all the documents in the chain of title of the above-referenced application and to the best of the undersigned's knowledge and belief, title is in Martinex R&D, Inc.

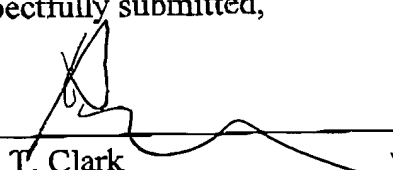
Pursuant to 37 C.F.R. § 1.321(b)(4), please charge our deposit account no. 03-2095 for \$ 55.00 for the fee set forth in 37 C.F.R. § 1.20(d).

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above-referenced patent application. Any patent granted on the above-referenced application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

If there are any additional charges, or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date: March 13, 2003


Paul T. Clark
Reg. No. 30,162

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



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PATENT TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
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MARCH 08, 1996

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KAREN F. LECH
FISH & RICHARDSON P.C.
225 FRANKLIN STREET
BOSTON, MA 02110-2804

MAR 14 1996

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/29/1995

REEL/FRAME: 7686/0934
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
MURGITA, ROBERT A.

DOC DATE: 06/14/1995

ASSIGNEE:
MCGILL UNIVERSITY
845 SHERBROOKE STREET WEST
MONTREAL, QUEBEC, CANADA H3A 2T5SERIAL NUMBER: 08377316
PATENT NUMBER:FILING DATE: 01/24/1995
ISSUE DATE:

KEITH GOODE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

* No Docketing Required *	
Reviewed By Practice Systems	
Initials:	Ubb
Reviewed By Billing Secretary	
Initials:	

Substitute Form PTO-1595

RE

11-15-1995

Attorney Docket No: 06727/006001

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Commissioner of Patents and Trademark

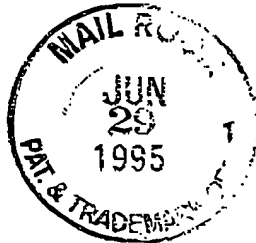


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Document.

1. Name of conveying party(ies): 6-29-95
Robert A. MurgitaAdditional name(s) attached? ☐ Yes ☒ No

3. Nature of conveyance:
- ☒ Assignment
 - ☐ Merger
 - ☐ Security Agreement
 - ☐ Change of Name
 - ☐ Other:



Execution Date: June 14, 1995

4. Application number(s) or patent number(s):
If this document is being filed with a new application, the execution date of the application is:
- A. Patent Application No.(s):
08/377,316

2. Name and address of receiving party(ies):
McGill University
845 Sherbrooke Street West
Montreal, Quebec Canada H3A 2T5

Additional names/addresses attached? ☐ Yes ☒ NoAdditional numbers attached? ☐ Yes ☒ No

5. Name/address of party to whom correspondence concerning document should be mailed:

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

6. Total number of applications/patents involved: 1

7. Total fee (37 CFR 3.41): \$40

☒ Enclosed
☒ Authorized to charge deposit account

8. Deposit account number: 06-1050
If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.

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9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.

KAREN F. LECH, REG NO 35,238

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 2

Date of Deposit June 26, 1995
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mary Jane DiPalma
Mary Jane DiPalma

ASSIGNMENT

For valuable consideration, I, Robert A. Murgita, of Montreal, Canada hereby assign to McGill University, a Canada corporation having a place of business at Montreal, Canada, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by me this day, entitled RECOMBINANT HUMAN ALPHA-FETOPROTEIN A CELL PROLIFERATIVE AGENT, U.S.S.N. 08/377,316 filed January 24, 1995.

this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Boston, MA

this 14th day of June, 1995

Robert A. Murgita

[Signature]

L.S.

PROVINCE OF QUEBEC:

:SS.

OF CANADA:

Before me this 14th day of June, 1995, personally appeared Robert A. Murgita known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires: 9/12/97

[Notary's Seal Here]



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APRIL 11, 2000

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CLARK & ELBING LLP
PAUL T. CLARK
176 FEDERAL STREET
BOSTON, MA 02110

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RECORDATION DATE: 01/11/2000

REEL/FRAME: 010519/0362
NUMBER OF PAGES: 3

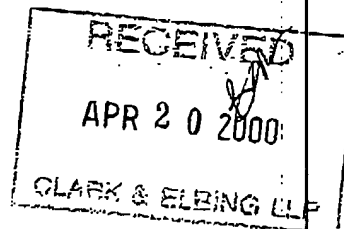
BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
MCGILL UNIVERSITY

DOC DATE: 07/13/1995

ASSIGNEE:
MARTINEX R & D INC.
220 UNIVERSITY, SUITE 1305
MONTREAL, QUEBEC, H3A 2A5, CANADASERIAL NUMBER: 08879469
PATENT NUMBER:FILING DATE: 06/20/1997
ISSUE DATE:

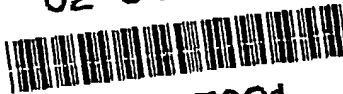
PEARLENE FOSTER, PARALEGAL
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02-04-2000

/ Docket Number: 06727/006001



101257921

Commissioner of Patents & Trade

Secure the attached document.

1. Names of all conveying parties: McGill University Additional names attached: NO	2. Names and addresses of all receiving parties: Martinex R & D Inc. 220 University, Suite 1305 Montreal, Quebec, H3A 2A5, CANADA Additional names/addresses attached: NO
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: _____ Execution Date: 07/13/95 and 07/29/99	RECEIVED 200 JUN 11 PM 2 27
4. Application numbers or patent numbers: A. Patent Application Numbers: 08/879,469 (this is a FWC of 08/377,316) and CPA	B. Patent Numbers:
5. Name and address of party to whom correspondence concerning document should be mailed: Paul T. Clark, Reg. No. 30,162 Clark & Elbing LLP 176 Federal Street Boston, MA 02110	6. Total number of applications/patents involved: 1 7. Total fee (37 CFR 3.41): \$40.00 <input checked="" type="checkbox"/> Fee enclosed <input checked="" type="checkbox"/> Authorized to charge deposit account 8. Deposit account number: 03-2095. If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to Deposit Account No. 03-2095.

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9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.

Paul T. Clark
 Name of person signing

Signature

Date

02/03/2000 DNGUYEN 00000214 08879469

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THIS MEMORANDUM OF ASSIGNMENT EXECUTED IN THE
CITY AND DISTRICT OF MONTREAL, PROVINCE OF QUEBEC

BY AND BETWEEN: MCGILL UNIVERSITY, a royal charter
corporation, operating a university
institution, and having its principal office
at 845 Sherbrooke Street West, in the City
and District of Montreal, Province of Quebec,

Hereinafter referred to as "McGill".

AND: MARTINEX R&D INC., a company established
under the laws of Quebec, having its office
at 550 Sherbrooke Street West, in the City
and District of Montreal, Province of Quebec,

Hereinafter referred to as "Martinex".

WHEREAS, McGill University is the employer of the creators
of the property hereinbelow assigned ("Property");

WHEREAS, McGill University is the exclusive owner of the
Property;

WHEREAS, the Office of Technology Transfer (OTT) of McGill
University has been instrumental in applying the standard option,
protecting the intellectual property in the Property and
preparing it for commercialization;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. For valuable consideration, McGill University and its
successors and assigns ("Assignor") hereby assigns to Martinex or
its nominee ("Assignee") the entire right, title and interest in
the Property, which includes without restriction the real,
personal and intellectual property therein throughout the world
and which is the subject of an application for United States
Patent Ser. No. 08/377,316, filed January 24, 1995, entitled
RECOMBINANT HUMAN ALPHA-FETOPROTEIN AS A CELL PROLIFERATIVE
AGENT, this assignment including said application, any and all
copyrights, trademarks and foreign patents utility models, and
design registrations granted for any of said inventions or
improvements, and the right to claim priority based on the filing
date of said application under the International Convention for
the Protection of Industrial Property, the Patent Cooperation
Treaty, the European Patent Convention, and all other treaties of
like purposes;

2. McGill University authorizes the Assignee to apply in
all countries in its name or in its own name for copyrights,
trademarks, patents, utility models, design registrations and
like rights of exclusion and for inventors certificates for said

inventions and improvements; and without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to give full effect to this assignment;

3. The parties expressly desire that the present agreement and all accessory documents be drafted in English language only. Les parties aux présentes ont expressément demandé que la présente entente et les documents accessoires soient rédigés en langue anglaise.

IN WITNESS WHEREFORE THE PRESENT PARTIES HAVE EXECUTED THE PRESENT AGREEMENT.

MCGILL UNIVERSITY

Per: 

James Albright
Director
Office of Technology Transfer

Date: July 17, 1995


Witness

Date: July 13, 1995

MARTINEX R&D INC.

Per: 

Lazar Sarna

Date: June 29, 1995


Witness

Date: June 29, 1995